

**OHIO**

**SENATE**

**JOURNAL**

WEDNESDAY, MAY 21, 2008

ONE HUNDRED SEVENTY-SEVENTH DAY  
Senate Chamber, Columbus, Ohio  
**Wednesday, May 21, 2008, 1:30 p.m.**

The Senate met pursuant to adjournment.

Prayer was offered by Pastor Steven Smith, Linworth Baptist Church, Worthington, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

**REPORTS OF REFERENCE AND BILLS FOR SECOND  
CONSIDERATION**

Senator Schuring reports for the Standing Committee on Reference, recommending that the following bills and joint resolution, standing in order for second consideration, be referred to committee as recommended:

**Sub. H. B. No. 7**-Representative Brinkman.

Cosponsors: Representatives Yuko, Hottinger, Huffman, Webster, Jones, DeBose, Letson, Williams, B., Wachtmann, Hagan, R., Adams, Aslanides, Batchelder, Blessing, Boyd, Brinkman, Budish, Celeste, Chandler, Coley, Collier, Combs, Daniels, DeGeeter, Dodd, Dolan, Domenick, Driehaus, Evans, Flowers, Gardner, Gibbs, Goyal, Hagan, J., Heard, Hite, Mallory, Mandel, McGregor, J., Mecklenborg, Newcomb, Oelslager, Patton, Raussen, Sayre, Schindel, Schlichter, Schneider, Setzer, Slesnick, Stebelton, Stewart, J., Uecker, White, Widowfield, Zehringer.

To amend sections 2151.353, 2151.361, 2151.414, 2151.415, 3107.033, 3107.055, 3107.06, 3107.07, 3107.101, 3107.14, 3107.66, 3313.6011, 3317.024, 5103.03, 5107.30, 5153.122, and 5153.123 of the Revised Code regarding adoption law and custody of an abused, neglected, or dependent child.

To the Committee on Health, Human Services and Aging.

**H. B. No. 266**-Representative Huffman.

Cosponsors: Representatives Zehringer, Stebelton, Evans, McGregor, J., Goodwin, Setzer, Seitz, Aslanides, Combs, Domenick, Fessler, Newcomb, Otterman, J., Reinhard, Ujvagi, Widowfield, Daniels, Hughes, Koziura, Patton, Schlichter, Schneider, Yuko.

To amend section 345.08 of the Revised Code to enable more flexible composition of veterans memorial boards of trustees.

To the Committee on State and Local Government and Veterans' Affairs.

**Sub. H. B. No. 395**-Representative Hughes.

Cosponsors: Representatives Flowers, Wagoner, Evans, Yuko, Williams, S., Bacon, Combs, DeBose, McGregor, J., Stebelton.

To amend section 3105.171 of the Revised Code to generally exclude a spouse's social security benefits from a divorce court's jurisdiction.

To the Committee on Judiciary - Civil Justice.

**Sub. H. B. No. 500**-Representative Hughes.

Cosponsors: Representatives Flowers, Yuko, Letson, Stebelton, Stewart, D., Carmichael, Domenick, Bacon, Batchelder, Brown, Chandler, Collier, Combs, Dyer, Evans, Gerberry, Gibbs, Goyal, Harwood, Heard, Hite, Luckie, Lundy, McGregor, J., Raussen, Sayre, Schindel, Schneider, Setzer, Slesnick, Szollosi, Williams, B., Zehringer.

To amend section 5703.21 and to enact sections 3739.01 to 3739.18 and 3739.99 of the Revised Code to establish reduced ignition propensity standards for cigarettes, to authorize the State Fire Marshal to monitor and the Attorney General and the State Fire Marshal to enforce such standards, and to establish penalties for violations.

To the Committee on Insurance, Commerce and Labor.

**Am. H. B. No. 522**-Representative Oelslager.

Cosponsors: Representatives McGregor, J., Combs, Coley, Domenick, Dyer, Evans, Huffman, Hughes, Letson, Mecklenborg.

To amend sections 1715.51, 1715.52, 1715.55, 1715.56, 1715.57, 1715.58, 1715.59, 3345.05, and 5813.06; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1715.52 (1715.53), 1715.55 (1715.54), 1715.56 (1715.52), and 1715.57 (1715.55); to enact new sections 1715.56 and 1715.57; and to repeal sections 1715.53 and 1715.54 of the Revised Code for the purpose of adopting the Uniform Prudent Management of Institutional Funds Act by revising the Ohio Uniform Management of Institutional Funds Act.

To the Committee on Judiciary - Civil Justice.

**Am. H. J. R. No. 3**-Representatives Stewart, D., Peterson.

Cosponsors: Representatives Beatty, DeWine, Book, Batchelder, Healy,

Domenick, Brown, Yuko, Harwood, Sayre, Dodd, Koziura, Lundy, Foley, Brady, Heard, Otterman, Celeste, Yates, Szollosi, Sykes, Letson, Driehaus, Dyer, Carmichael, Flowers, Gibbs, Daniels, Collier, Reinhard, Schneider, Skindell, Bacon, Budish, Goyal, Hughes, Schlichter, Stebelton, Strahorn, Ujvagi, Wolpert.

Proposing to amend Sections 1a, 1b, 1c, and 1g of Article II of the Constitution of Ohio to require an initiative or referendum to be placed on the ballot at the first regular or general election conducted more than one hundred twenty-five days after the petition is filed and to revise other deadlines relative to the filing of those petitions.

To the Committee on State and Local Government and Veterans' Affairs.

YES - 5: JEFF JACOBSON, J. KIRK SCHURING, SHIRLEY A. SMITH, BILL HARRIS, RAY MILLER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Said bills and joint resolution were considered a second time and referred to committee as recommended.

#### **REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **H. B. No. 48**-Representative Gibbs, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Amstutz, Stivers, Miller, D., Kearney, Sawyer, Spada, Schaffer, Schuler.

YES - 8: RON AMSTUTZ, ROBERT F. SPADA, GARY W. CATES, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, THOMAS SAWYER, ERIC H. KEARNEY, DALE MILLER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Amstutz submitted the following report:

The standing committee on Ways and Means and Economic Development, to which was referred **S. B. No. 306**-Senator Schuler, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schaffer, Spada, Cates.

YES - 10: RON AMSTUTZ, ROBERT F. SPADA, GARY W. CATES, KEVIN J. COUGHLIN, DAVID GOODMAN, TIMOTHY O. SCHAFFER, ROBERT L. SCHULER, STEVE STIVERS, THOMAS SAWYER, ERIC H. KEARNEY.

NO - 2: DALE MILLER, TOM ROBERTS.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Grendell submitted the following report:

The standing committee on Judiciary - Criminal Justice, to which was referred **S. B. No. 320**-Senator Seitz, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schaffer, Fedor.

YES - 9: TIMOTHY J. GREDELLE, STEPHEN C. AUSTRIA, TIMOTHY O. SCHAFFER, BILL SEITZ, LANCE T. MASON, SHIRLEY A. SMITH, TERESA FEDOR, KEITH L. FABER, STEVE STIVERS.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Schuring submitted the following report:

The Standing Committee on Rules to which were referred the appointments by the Governor of:

**Betty Davis**, Republican, from Mason, Warren County, Ohio, as a Member of the Ethics Commission for a term beginning February 28, 2008 and ending

at the close of business January 1, 2014, replacing Sarah M. Brown, whose term expired.

**Albert Oliver**, from Portsmouth, Scioto County, Ohio, as a Member of the Ohio Community Service Council for a term beginning March 27, 2008 and ending at the close of business April 21, 2011.

**Cheryl Roberto**, Democrat, from Upper Arlington, Franklin County, Ohio, as a Member of the Public Utilities Commission of Ohio for a term beginning April 11, 2008 and ending at the close of business April 10, 2013, replacing Donald L. Mason, whose term expired.

**John T. Savage**, Democrat, from Hubbard, Trumbull County, Ohio, as a Member of the Ohio Building Authority for a term beginning March 19, 2008 and ending at the close of business December 31, 2013, replacing G. Duane Welsh, whose term expired.

**Adriana A. Sfalcin**, Democrat, from Dublin, Franklin County, Ohio, as a Member of the State Personnel Board of Review for a term beginning December 10, 2007 and ending at the close of business February 8, 2011, replacing Roger Tracy, who passed away.

Having had the same under consideration, reports back the recommendation that the Senate advise and consent to said appointments.

YES - 11: BILL HARRIS, JEFF JACOBSON, TOM NIEHAUS, ROBERT F. SPADA, STEPHEN C. AUSTRIA, JOHN A. CAREY, J. KIRK SCHURING, CAPRI S. CAFARO, LANCE T. MASON, SHIRLEY A. SMITH, RAY MILLER.

NO - 0.

The question being, "Shall the Senate advise and consent to the appointments by the Governor?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the Senate advised and consented to said appointments.

**BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 30**-Representative McGregor, R.

Cosponsors: Representatives Adams, Schindel, Seitz, Fessler, Collier, Webster, Aslanides, Bubb, Domenick, Batchelder, Blessing, Carmichael, Coley, Core, Evans, Flowers, Gibbs, Hagan, J., Harwood, Hottinger, Huffman, Hughes, Mandel, Patton, Uecker, Wagoner, Widener. Senator Schaffer.

To amend section 4511.81 and to enact section 4511.094 of the Revised Code, and to amend Sections 555.07 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly, and to amend Section 555.08 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended, to require any local authority that enforces any traffic law by means of traffic law photo-monitoring devices to erect signs on every highway that is not a freeway that is part of the state highway system and that enters that local authority, informing inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws, to eliminate the requirement for operators of vehicles not equipped with seat belts to nonetheless use a child restraint system when transporting any kindergarten child who is required to be transported in a child restraint system, to govern the movement of steel coils by special permit, to require the Department of Transportation to conduct a study of the impact of overweight vehicles operating under a permit, and to modify the constraints imposed on the Department of Transportation regarding undertaking certain major new construction projects, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 30**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

- |          |          |           |            |
|----------|----------|-----------|------------|
| Amstutz  | Austria  | Bocchieri | Buehrer    |
| Cafaro   | Carey    | Cates     | Coughlin   |
| Faber    | Fedor    | Goodman   | Grendell   |
| Jacobson | Kearney  | Mason     | Miller D   |
| Miller R | Morano   | Mumper    | Niehaus    |
| Padgett  | Roberts  | Sawyer    | Schaffer   |
| Schuler  | Schuring | Seitz     | Smith      |
| Spada    | Stivers  | Wagoner   | Wilson     |
|          |          |           | Harris-33. |

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Buehrer moved to amend the title as follows:

Add the names: "Amstutz, Austria, Buehrer, Harris, Mumper, Niehaus, Padgett, Schuring, Seitz, Spada, Stivers, Wagoner."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Sub. H. B. No. 138**-Representatives Foley, Blessing.

Cosponsors: Representatives Domenick, Skindell, Hagan, R., McGregor, J., Ujvagi, Budish, Lundy, Stebelton, Raussen, Yuko, DeGeeter, Collier, Combs, Letson, Luckie, Harwood, Strahorn, Stewart, D., Driehaus, White, Garrison, Miller, Bolon, Brady, Boyd, Seitz, Bacon, Beatty, Celeste, Chandler, DeBose, Dyer, Evans, Fende, Goyal, Healy, Heard, Hite, Huffman, Hughes, Koziura, Mallory, Okey, Otterman, Peterson, Schneider, Setzer, Szollosi, Uecker, Webster, Williams, B., Yates. Senators Faber, Goodman, Seitz, Buehrer, Fedor.

To amend sections 323.25, 323.28, 323.47, 2303.11, 2323.07, 2327.01, 2327.02, 2329.17, 2329.18, 2329.19, 2329.23, 2329.26, 2329.27, 2329.30, 2329.31, 2329.36, 2703.26, 5309.64, 5721.18, 5721.19, and 5723.01 and to enact sections 2323.06, 2329.191, 2329.271, 2329.272, and 2703.141 of the Revised Code to require purchasers of real property at a judicial sale to provide certain identifying information, to require purchasers to pay the balance due on the purchase price within thirty days of the confirmation of the sale, to allow municipal corporations to conduct inspections of property subject to a writ of execution, to require judicial sales to be confirmed within thirty days of sale, to require officers who sell real property at a judicial sale to file a deed within fourteen days of payment of the balance due on the purchase price, to authorize courts and county boards of revision to transfer certain tax delinquent lands subject to judicial foreclosure without appraisal or sale, to permit a summary property description to be read at a judicial sale, to allow the courts to perform mediation in an action for the foreclosure of a mortgage, and to offer property that did not sell at a judicial sale to a political subdivision before forfeiture to the state, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 138**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Faber moved to amend the title as follows:

Add the names: "Amstutz, Boccieri, Cates, Harris, Miller, D., Morano, Mumper, Niehaus, Padgett, Roberts, Sawyer, Schuler, Schuring, Spada, Stivers, Wagoner, Wilson, Smith, Mason, Cafaro, Austria, Schaffer, Jacobson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Am. H. B. No. 385**-Representative Hottinger.

Cosponsors: Representatives Evans, Wagoner, Flowers, Stebelton, Chandler, Mallory, McGregor, J., Yuko, Bacon, Barrett, Batchelder, Budish, Combs, Domenick, Dyer, Fende, Goyal, Hagan, J., Harwood, Hughes, Luckie, Lundy, Mecklenborg, Otterman, J., Patton, Peterson, Schindel, Stewart, D., Zehringer. Senators Seitz, Wagoner, Schuler.

To amend section 5705.19 of the Revised Code to permit land acquired by a board of township trustees for the purpose of protecting or preserving "greenspace" to be used for recreational purposes, was considered the third time.

The question being, "Shall the bill, **Am. H. B. No. 385**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Boccieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Schuler moved to amend the title as follows:

Add the names: "Carey, Harris, Niehaus, Padgett."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**S. B. No. 269**-Senator Schuler.

Cosponsors: Senators Jacobson, Goodman, Schuring, Mason, Fedor, Kearney.

To amend section 1345.51 and to enact sections 1349.80 to 1349.82 of the Revised Code to prohibit any person from advertising or conducting a live musical performance or production in Ohio through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group, was considered the third time.

The question being, "Shall the bill, **S. B. No. 269**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Jacobson	Kearney	Mason	Miller D
Miller R	Morano	Mumper	Niehaus
Padgett	Roberts	Sawyer	Schaffer
Schuler	Schuring	Seitz	Smith
Spada	Stivers	Wagoner	Wilson
			Harris-33.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Schuler moved to amend the title as follows:

Add the names: "Buehrer, Cafaro, Carey, Padgett, Schaffer, Wagoner, Stivers, Miller, D., Cates, Sawyer, Miller, R., Smith, Harris."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

**Am. S. B. No. 304**-Senator Cates.

Cosponsors: Senators Schuring, Mason, Wagoner, Seitz, Faber, Buehrer, Morano, Padgett.

To amend sections 2151.3516 and 2151.3530 of the Revised Code to increase the time after birth that a parent may voluntarily deliver the child to a safe haven without the parent expressing an intent to return for the child and to require the Department of Job and Family Services to develop an educational plan for informing at-risk populations of the provisions of the Safe Havens Law, was considered the third time.

The question being, "Shall the bill, **Am. S. B. No. 304**, pass?"

The yeas and nays were taken and resulted - yeas 32, nays 1, as follows:

Those who voted in the affirmative were: Senators

Amstutz	Austria	Bocchieri	Buehrer
Cafaro	Carey	Cates	Coughlin
Faber	Fedor	Goodman	Grendell
Kearney	Mason	Miller D	Miller R
Morano	Mumper	Niehaus	Padgett
Roberts	Sawyer	Schaffer	Schuler
Schuring	Seitz	Smith	Spada
Stivers	Wagoner	Wilson	Harris-32.

Senator Jacobson voted in the negative-1.

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Cates moved to amend the title as follows:

Add the names: "Austria, Bocchieri, Grendell, Harris, Kearney, Mumper, Niehaus, Sawyer, Schaffer, Schuler, Spada, Wilson."

The question being, "Shall the motion be agreed to?"

The motion was agreed to and the title so amended.

### **INTRODUCTION AND FIRST CONSIDERATION OF BILLS**

The following bill was introduced and considered the first time:

**S. B. No. 342**-Senator Stivers.

To amend sections 3111.29, 3111.38, 3111.78, 3111.80, 3111.81, 3111.84, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3119.88, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 3123.34, 3123.72, 3123.821, and 3123.822, to enact sections 3111.801 and 3119.631, and to repeal section 3121.11 of the Revised Code to amend the Child Support Laws.

### **OFFERING OF RESOLUTIONS**

Pursuant to Senate Rule No. 54, the following resolution was offered:

**S. R. No. 225**-Senator Wagoner.

Cosponsors: Senators Miller, R., Amstutz, Buehrer, Carey, Coughlin, Fedor, Grendell, Harris, Mason, Miller, D., Mumper, Padgett, Roberts, Seitz.

Honoring Dr. Sidney Ribeau for outstanding service as president of Bowling Green State University.

The question being, "Shall the resolution listed under the President's prerogative be adopted?"

So the resolution was adopted.

### **COMMUNICATIONS FROM THE GOVERNOR**

The President handed down the following messages from the Governor which were read by the Clerk:

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, William J. Bishilany, Republican, from Seven Hills, Cuyahoga County, Ohio, as a Member of the State Emergency Response Commission for a term beginning April 15, 2008 and ending at the close of business January 13, 2010, replacing Thomas Perk, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 15th day of April in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Tamira A. Bridgeman, Democrat, from Uniontown, Summit County, Ohio, as a Member of the State Fire Commission for a term beginning April 10, 2008 and ending at the close of business October 31, 2012, replacing Robert F. Gartner, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 10th day of April in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Kenneth L. Brown, Democrat, from Springfield, Clark County, Ohio, as a Member of the Chemical Dependency Professionals Board for a term beginning March 31, 2008 and ending at the close of business December 23, 2010, replacing Gerald V. Carter, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Charleen Joan Dearth, Democrat, from Marietta, Washington County, Ohio, as a Member of the Ohio Cultural Facilities Commission for a term beginning April 15, 2008 and ending at the close of business December 31, 2008, replacing Julie Kunkel, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 15th day of April in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, William P. DeMora, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Clean Ohio Council for a term beginning March 31, 2008 and ending at the close of business November 23, 2009, replacing Bruce Cornett, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Albert N. Donahey, Democrat, from Canal Winchester, Franklin County, Ohio, as a Member of the Banking Commission for a term beginning March 6, 2008 and ending at the close of business January 31, 2011, replacing Richard Hollington Jr., whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 6th day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Bryan H. Felmet, Republican, from Steubenville, Jefferson County, Ohio, as a Member of the Ohio Elections Commission for a term beginning April 14, 2008 and ending at the close of business December 31, 2012, replacing Catherine A. Cunningham, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 14th day of April in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Kenneth C. Lumpkin, Democrat, from Cleveland, Cuyahoga County, Ohio, as a Member of the Minority Development Financing Advisory Board for a term beginning April 16, 2008 and ending at the close of business September 30, 2014, replacing Jackie R. Winchester, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 16th day of April in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Ty Marsh, Democrat, from Columbus, Franklin County, Ohio, as a Member of the Board of Embalmers and Funeral Directors for a term beginning March 31, 2008 and ending at the close of business June 30, 2009, replacing Kurtis A. Tunnell, who resigned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Chelsea R. Merriman, from Hilliard, Franklin County, Ohio, as a Member of the Ohio Community Service Council for a term beginning April 22, 2008 and ending at the close of business April 21, 2011, replacing Kristina Short, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 27th day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

**STATE OF OHIO  
EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
COLUMBUS**

I, Ted Strickland, Governor of the State of Ohio, do hereby appoint, Lupe Williams, Democrat, from Wooster, Wayne County, Ohio, as a Member of the Commission on Hispanic-Latino Affairs for a term beginning March 31, 2008 and ending at the close of business October 7, 2010, replacing Ramona Reyes, whose term expired.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this 31st day of March in the year of our Lord, two thousand and eight.

[Seal]

Ted Strickland,  
Governor.

Said appointments were referred to the Committee on Rules.

On the motion of Senator Jacobson, the Senate recessed.

The Senate met pursuant to the recess.

Senator Kearney moved that the Senate revert to the Second Order of Business, Reports of Standing and Select Committees.

The question being, "Shall the motion be agreed to?"

The motion was agreed to.

**REPORTS OF STANDING AND SELECT COMMITTEES**

Senator Cates submitted the following report:

The standing committee on State and Local Government and Veterans' Affairs, to which was referred **H. B. No. 285**-Representative McGregor, R., et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cates, Grendell, Seitz, Carey, Wagoner, Schuler, Fedor.

YES - 9: GARY W. CATES, TIMOTHY J. GRENDALL, BILL SEITZ, JOHN A. CAREY, MARK D. WAGONER, TERESA FEDOR, TOM ROBERTS, JOHN A. BOCCIERI, ROBERT L. SCHULER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **Sub. H. B. No. 283**-Representative Webster, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Schuring, Seitz, Wagoner, Miller, D., Morano.

YES - 12: KEVIN J. COUGHLIN, STEPHEN BUEHRER, DALE MILLER, DAVID GOODMAN, LARRY A. MUMPER, JOY PADGETT, J. KIRK SCHURING, BILL SEITZ, MARK D. WAGONER, CAPRI S. CAFARO, SUSAN L. MORANO, SHIRLEY A. SMITH.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Coughlin submitted the following report:

The standing committee on Health, Human Services and Aging, to which was referred **Sub. H. B. No. 346**-Representative Hughes, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

Co-Sponsors: Cafaro, Morano, Goodman, Padgett, Schuring, Wagoner, Miller, D..

YES - 12: KEVIN J. COUGHLIN, STEPHEN BUEHRER, DAVID GOODMAN, LARRY A. MUMPER, JOY PADGETT, J. KIRK SCHURING, BILL SEITZ, DALE MILLER, MARK D. WAGONER, CAPRI S. CAFARO, SUSAN L. MORANO, SHIRLEY A. SMITH.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Niehaus submitted the following report:

The standing committee on Environment and Natural Resources, to which was referred **S. J. R. No. 8**-Senator Grendell, et al., having had the same under consideration, reports back a substitute resolution and recommends its adoption.

YES - 9: TOM NIEHAUS, ROBERT F. SPADA, TIMOTHY J. GRENDALL, LARRY A. MUMPER, DAVID GOODMAN, DALE MILLER, SUSAN L. MORANO, LANCE T. MASON, TIMOTHY O. SCHAFFER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Stivers submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **S. B. No. 196**-Senator Schaffer, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 10: RON AMSTUTZ, DALE MILLER, ERIC H. KEARNEY, STEPHEN C. AUSTRIA, STEVE STIVERS, KEITH L. FABER, ROBERT L. SCHULER, TIMOTHY O. SCHAFFER, GARY W. CATES, JOHN A. BOCCIERI.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 150** -Senator Roberts

Cosponsors: Senators Fedor, Bocchieri, Miller, D., Kearney, Schuler, Austria, Cafaro, Cates, Clancy, Faber, Gardner, Grendell, Harris, Mason, Morano, Niehaus, Padgett, Sawyer, Schuring, Spada, Stivers, Wilson, Carey  
Representatives Daniels, Hite, Stewart, D., Domenick, Flowers, Boyd, Evans, Garrison, Hughes, Patton, Sayre, Williams, S., Zehringer

To amend sections 4301.10, 4301.12, 4301.16, 4301.20, 4301.30, 4301.355, 4301.432, 4301.47, 4301.58, 4301.62, 4301.639, 4303.03, 4303.05, 4303.071, 4303.181, 4303.182, 4303.184, 4303.232, 4303.233, 4303.25, 4303.27, 4303.271, 4303.29, 4303.30, 4303.33, 4303.333, 4399.12, and 5703.21 and to enact sections 4301.404, 4301.441, 4301.81, and 4303.234 of the Revised Code to modify, and also to clarify and correct, the law pertaining to liquor control and alcoholic beverage taxes.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

**Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

**Sub. S. B. No. 171** -Senator Stivers

Cosponsors: Senators Jacobson, Schuring, Schuler, Mumper, Amstutz, Buehrer, Harris, Schaffer, Wagoner, Padgett, Goodman, Faber  
Representatives Daniels, Hite, Domenick, Flowers, Carmichael, Boyd, Chandler, Collier, DeBose, DeGeeter, Dodd, Dyer, Evans, Fende, Garrison, Hagan, J., Hagan, R., Hottinger, Koziura, Letson, Luckie, Mallory, McGregor, J., Oelslager, Okey, Sayre, Stewart, J., Szollosi, Ujvagi, Williams, B., Williams, S., Yuko, Zehringer

To amend sections 1333.99, 4737.01, 4737.04, and 4737.99 and to enact sections 1333.71, 4737.041, 4737.042, 4737.043, and 4737.044 of the Revised Code to make certain changes to the laws regulating secondhand dealers and scrap metal dealers.

As a substitute bill, in which the concurrence of the Senate is requested.

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

### Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

#### **Am. Sub. S. B. No. 289** -Senator Spada

Cosponsors: Senators Harris, Stivers, Grendell, Schuler, Schuring, Seitz, Padgett, Fedor, Niehaus, Austria, Mumper, Cates, Sawyer, Wilson, Kearney, Boccieri, Cafaro, Carey, Faber, Goodman, Miller, D., Roberts, Schaffer, Miller, R., Smith, Morano Representatives Hite, Book, Collier, Domenick, Flowers, Lundy, Reinhard, Schneider, Aslanides, Bacon, Beatty, Blessing, Bolon, Boyd, Brady, Brown, Budish, Celeste, Chandler, Combs, DeBose, DeGeeter, Dodd, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garrison, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Hottinger, Hughes, Koziura, Letson, Luckie, McGregor, J., Mecklenborg, Newcomb, Oelslager, Otterman, J., Patton, Raussen, Redfern, Sayre, Schindel, Schlichter, Setzer, Skindell, Slesnick, Stewart, D., Stewart, J., Szollosi, Uecker, Ujvagi, Widener, Widowfield, Williams, B., Yates, Yuko, Zehringer

To amend sections 121.02, 121.03, 2311.07, 2311.08, 2743.03, 3313.616, 3319.13, 4112.01, 5901.02, 5901.021, 5901.07, 5901.09, 5902.01, 5902.02, 5902.03, 5902.04, 5902.06, 5902.07, 5902.08, 5902.15, 5903.02, 5903.99, 5904.01, 5907.01, 5907.02, 5907.022, 5907.023, 5907.03, 5907.04, 5907.11, 5907.12, 5907.13, 5907.141, 5910.02, and 5923.05, to enact sections 2743.091, 5533.871, and 5902.09, and to repeal sections 124.29, 5902.05, and 5903.01 of the Revised Code to create a Department of Veterans Services and a Director of Veterans Services, to create duties for the department and the director, to transfer the duties of the Governor's Office of Veterans Affairs to the department, to place the Ohio Veterans' Home Agency and the Ohio War Orphans Scholarship Board under the department, to establish specified employment rights for private sector employees in the uniformed services, to permit a person aggrieved under the federal "Uniformed Services Employment and Reemployment Rights Act" to file a claim against the person's employer in a state court, to require the clerk of the court to give the action priority on the court's dockets, to prohibit the court from requiring a plaintiff to pay court costs, and to designate State Route 660 in Guernsey County as the "Major James W. Reed Memorial Highway."

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested.

In line 32, after "2793.091" insert ", 5533.871,"

Between lines 510 and 511, insert:

" **Sec. 5533.871.** The road known as state route number six hundred sixty, located within Guernsey county, shall be known as the "Major James W. Reed Memorial Highway."

The director of transportation may erect suitable markers along the highway indicating its name."

In line 8 of the title, after "2743.091" insert ", 5533.871,"

In line 23 of the title, delete "and"

In line 24 of the title, after "costs" delete the period and insert ", and to designate State Route 660 in Guernsey County as the "Major James W. Reed Memorial Highway.""

In line 1131, after " (D)" delete the balance of the line

Delete line 1132

In line 1133, delete everything before the underlined period and insert "In any action or proceeding to enforce a provision of this section, the court shall require the defendant to pay the court costs if the plaintiff is the prevailing party in the action or proceeding. If the plaintiff is not the prevailing party, the court may use its discretion in allocating court costs among the parties to the action"

In line 1139, after " state" insert " or the defendant"

In line 19 of the title, delete "certain" and insert "a person"

In line 20 of the title, delete "persons" and insert "under the federal "Uniformed Services Employment and Reemployment Rights Act""

Attest:

Laura P. Clemens,  
Clerk.

Said amendments were laid over under the rule.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bills in which the concurrence of the Senate is requested:

**Sub. H. B. No. 74** -Representative Schlichter  
Cosponsors: Representatives McGregor, J., Bacon, Wagoner, Setzer, Fende,

Dodd, Combs, Adams, Collier, Aslanides, Batchelder, Boyd, Daniels, DeBose, Domenick, Dyer, Evans, Flowers, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Luckie, Mandel, Patton, Schindel, Szollosi, Williams, B.

To amend section 2907.08 of the Revised Code to make spying or eavesdropping upon a minor in a state of nudity for the purpose of sexual gratification or arousal a felony of the fourth degree under all circumstances.

**Am. Sub. H. B. No. 111** -Representative Collier

Cosponsors: Representatives Patton, McGregor, J., Aslanides, Bacon, Boyd, DeBose, Domenick, Evans, Flowers, Hagan, J., Heard, Hughes, Letson, Luckie, Schindel, Setzer, Skindell, Williams, S., Yuko

To amend sections 2151.03 and 2717.01 of the Revised Code to expand the definition of neglected child to include a child whose parent, guardian, or custodian knowingly allows certain sexually oriented offenders or child-victim offenders to reside in the same residence as that child, and to prohibit a court from ordering a statutory change of name for a person who has committed identity fraud or who must register under the SORN Law for having committed a sexually oriented offense or child-victim oriented offense.

**Sub. H. B. No. 428** -Representative Setzer

Cosponsors: Representatives Evans, Stebelton, Williams, B., Adams, Bacon, Boyd, Brown, Budish, Celeste, Coley, Collier, Combs, DeBose, DeGeeter, Domenick, Fende, Flowers, Goyal, Hagan, J., Hagan, R., Heard, Hite, Hughes, Jones, Luckie, Mandel, McGregor, J., Newcomb, Patton, Sayre, Schlichter, Slesnick, Strahorn, Sykes, Webster, White, Yuko

To amend sections 109.57, 2953.33, 3313.31, 3314.03, 3314.19, 3319.01, 3319.20, 3319.291, 3319.302, 3319.304, 3319.31, 3319.311, 3319.313, 3319.314, 3319.39, 3319.391, 3319.52, 3319.99, 3326.11, 3326.23, 3327.10, 5126.253, 5126.254, 5126.99, and 5153.176 and to enact sections 3314.101, 3314.40, 3314.401, 3314.402, 3314.403, 3314.41, 3314.99, 3319.292, 3319.316, 3319.317, 3319.392, 3319.40, 3326.081, 3326.24, 3326.241, 3326.242, 3326.243, 3326.25, 3326.99, and 5153.99 of the Revised Code regarding the reporting of and discipline for school employee misconduct.

**Sub. H. B. No. 554** -Representative Hottinger

Cosponsors: Representatives Peterson, Skindell, Bacon, Boyd, Brown, Budish, Evans, Flowers, Gardner, Jones, McGregor, R., Redfern, Schlichter, Sears, Yates, Beatty, Bolon, Book, Brady, Celeste, Chandler, Daniels, DeBose, DeGeeter, Dodd, Dolan, Domenick, Dyer, Fende, Foley, Garrison, Gerberry, Gibbs, Goyal, Hagan, J., Hagan, R., Harwood, Heard, Hite, Hughes,

Koziura, Letson, Luckie, Lundy, Mallory, McGregor, J., Mecklenborg, Newcomb, Oelslager, Otterman, J., Patton, Sayre, Schindel, Schneider, Setzer, Slesnick, Stewart, D., Sykes, Szollosi, Uecker, Ujvagi, White, Widener, Widowfield, Williams, B., Wolpert, Yuko, Zehringer

To amend sections 149.311, 151.01, 166.01, 166.02, 166.08, 166.11, 184.02, 1555.03, 3333.38, 3345.32, 4511.101, 5725.151, 5733.47, 5747.76, and 5747.98 and to enact sections 151.071, 164.28, 166.25, 166.26, 166.30, 184.23 to 184.26, 184.30 to 184.37, 3333.71 to 3333.80, and 5537.141 of the Revised Code to establish the Ohio Bioproducts Development Program and Ohio Biomedical Development Program to be administered by the Third Frontier Commission, to establish the Third Frontier Economic Stimulus Advisory Board, to expand the economic development programs administered by the Department of Development to include transportation logistics and distribution infrastructure projects, to provide additional money for capital improvement projects of local subdivisions and for highway capital improvement projects, to modify the authority of the Ohio Coal Development Office to provide for coal research and development projects administered by the Third Frontier Commission, to provide for advanced energy projects administered by the Third Frontier Commission, to establish the Choose Ohio First Co-op/Internship Program, to extend the historical building rehabilitation tax credit, limit credit amounts, require regional distributive balance and economic effects to be considered, and to make an appropriation.

Attest:

Laura P. Clemens,  
Clerk.

Said bills were considered the first time.

### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the House of Representatives has adopted the following joint resolution in which the concurrence of the Senate is requested:

#### **H. J. R. No. 5 -Representative Sears**

Cosponsors: Representatives Hottinger, Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Core, Driehaus, Evans, Flowers, Garrison, Gardner, Hagan, R., Hite, Jones, McGregor, R., Mecklenborg, Patton, Redfern, Schlichter, Stewart, D., Strahorn, Yates, Adams, Aslanides, Beatty, Blessing, Brady, Brinkman, Celeste, Collier, Combs, DeBose, DeGeeter, Dodd, Dolan, Domenick, Dyer, Fende, Foley, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Letson, Luckie, Lundy, Mallory, McGregor, J.,

Newcomb, Oelslager, Raussen, Sayre, Schindel, Schneider, Setzer, Szollosi, Ujvagi, White, Williams, B., Yuko, Zehringer

Proposing to enact Section 2q of Article VIII of the Constitution of the State of Ohio to authorize the issuance of general and other obligations of the state to pay the costs relating to environmental and related conservation, preservation, and revitalization purposes.

Attest:

Laura P. Clemens,  
Clerk.

The question being, "Shall the joint resolution, **H. J. R. No. 5**, be adopted?"

On the motion of Senator Kearney, **H. J. R. No. 5**, was referred to the Committee on Reference.

#### **Message from the House of Representatives**

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bills:

**Sub. H. B. No. 331** -Representative Wagoner - et al.

**Sub. H. B. No. 545** -Representative Widener - et al.

Attest:

Laura P. Clemens,  
Clerk.

The President signed said bills.

On the motion of Senator Kearney, the Senate adjourned until Thursday, May 22, 2008 at 11:00 o'clock a.m.

Attest:

VINCENT L. KEERAN,  
Clerk.